

**THE MINUTES
FOR THE OCTOBER 5, 2010
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees Kehoe, McMullen and Tobin Village Attorney James Matthews, Village Clerk Donna Koch.

Absent: Trustee Maline

ANNOUNCEMENTS:

PUBLIC HEARING(S)

Mayor Doll asked the Clerk to read the notice of Public Hearing to wit:

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 5th day of October, 2010, to consider the following proposed local law:

**LOCAL LAW No. 8 OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTERS 9, 42, 106, 219, 252, 256 & 282
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

These code amendments are necessary to reflect the creation of the position of Village Administrator.

Section 2. Statutory Authority

This Local Law is adopted pursuant to New York State Village Law and Municipal Home Rule Law.

Section 3. Applicability

The provisions of this Local Law shall apply as specified in the local law.

Section 4. Amendments

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in italics.

Text to be deleted is in ~~strikeout~~

- * * * indicates existing text to remain unchanged.

CHAPTER 9, APPEARANCE TICKETS

* * *

§9-2 Officials authorized to issue appearance tickets.

The following public servants are herewith authorized to issue appearance tickets for violations of various codes, ordinances, local laws, resolutions and rules and regulations as indicated:

- A. Code Compliance Director, Assistant Code Compliance Director, Building Inspector and *Village Administrator* ~~Superintendent of Public Works.~~

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CHAPTER 42 OFFICERS AND EMPLOYEES

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ARTICLE II Fringe Benefits

§ 42-3. Designation of employees to receive benefits.

The Village Board of Trustees herewith codifies the following existing fringe benefits which have been and shall be accorded to the incumbents of the indicated positions:

- A. Village Clerk, Deputy Clerk, Treasurer, Deputy Treasurer, ~~Superintendent of Public Works~~, *Village Administrator*, Code Compliance Director, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and full-time clerical employees, none

of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village. The above-named employees shall be accorded all fringe benefits, except those hereinafter excluded, that are established by the current labor agreement between the Incorporated Village of Northport and the current bargaining unit. Said fringe benefits shall continue unabated unless changed by a subsequent resolution of this Board. The expiration of the aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications. Specifically excepted from the foregoing are the following fringe benefits: payment for accumulated sick leave, dental insurance, life insurance and optical benefits and prepaid legal plan. In lieu of the foregoing insurance benefits, the Village of Northport shall provide the incumbents of the above-noted classifications the dental insurance, life insurance and optical benefits accorded to the unit members of the Northport Police Benevolent Association, under the labor agreement between the Incorporated Village of Northport and the Northport Police Benevolent Association. The expiration of the aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications.

* * *

ARTICLE V

Criminal History Record Search for Certain Employment

§42-7. Conduct of records search.

- A. The Village may conduct certain investigations concerning the qualifications of any applicant, as are necessary to make an informative evaluation and determination as to the experience and character qualifications of the following positions:

* * *

(8) ~~Superintendent of Public Works~~ *Village Administrator*

* * *

CHAPTER 106

BUILDING CONSTRUCTION

* * *

§106-10. Restriction of hours.

It shall be unlawful and a violation of this Chapter 106 for any person to undertake or engage in any exterior or outdoor construction activity for which a permit is required pursuant to this Code other than between the hours of 8:00 a.m. and 7:00 p.m. on weekdays or between the hours of 9:00 a.m. and 6:00 p.m. on weekends, prevailing time, except in the case of an emergency in the

interest of public health and safety and then only as expressly authorized by the Code Compliance Director, Building Inspector or *Village Administrator* ~~Superintendent of Public Works~~ or as emergency work under Chapter 114, Buildings and Structures, Unsafe.

CHAPTER 219 PLANNING BOARD

§219-4. Office of Planning; employment of experts.

A. Office of Planning.

(2) Department head. The duly appointed *Village Administrator* ~~Superintendent of Public Works~~ shall be head of the Office of Planning, and he shall be vested with the authority, direction and control of such Department and shall bear the additional title of Planning Coordinator respecting the performance of duties hereinafter set forth and any other duties, authority or responsibility granted to the position of Planning Coordinator by any of the chapters of the Code of the Village of Northport.

(3) Appointment of Director; removal; classification. The title and position of Planning Coordinator shall be held by the person appointed to the position of *Village Administrator* ~~Superintendent of Public Works~~. ~~The appointee shall hold the civil service competitive title of Superintendent of Public Works.~~

§219-26.3. Building permits for individual residential building lots.

D. Any oversized lot that is developed pursuant to Subsection B above shall be considered to be fully yielded and is not to be further subdivided. The applicant shall submit covenants and restrictions explaining the reason(s) the lot was created and prohibiting further subdivision of the newly created lot in perpetuity to the Village Attorney for approval as to form and content. Upon approval of the Village Attorney, the applicant shall record the document in the office of the Suffolk County Clerk at his or her own cost and expense and provide the Village Attorney and *Village Administrator* ~~Superintendent of Public Works~~ with a copy of the recorded instrument. The liber and page of each instrument recorded shall be shown on the final subdivision map submitted to the *Village Administrator* ~~Superintendent of Public Works~~ before the final map will be signed by the Building Inspector.

CHAPTER 252

SOLID WASTE

§252-3. Storage of refuse and garbage.

- I. No garbage or refuse dumpster, container or vessel exceeding a capacity of ¼ cubic yard shall be placed or located on any village street unless there shall have first been obtained a permit from the *Village Administrator* ~~Superintendent of Public Works~~. Said permit shall not exceed two days in duration. The same may be renewed for additional periods of two days. Said permit shall specifically identify the permissible location of the dumpster, which shall be designated by the *Village Administrator* ~~Superintendent of Public Works~~. When appropriate, the applicant shall be required to demonstrate proof of liability insurance as set forth herein. Any decision of the *Village Administrator* ~~Superintendent of Public Works~~ made hereunder may be appealed by the applicant to the Village Board by the filing of a letter setting forth the nature of the appeal, provided that the same is filed within 30 days of the date of decision of the *Village Administrator* ~~Superintendent of Public Works~~.

Chapter 255

STORM WATER MANAGEMENT

ARTICLE I

Illicit Discharges and Connections

§255-4. Responsibility for administration.

The ~~Superintendent of Public Works~~ *Village Administrator*, or such other person as shall be designated by the Mayor as the Stormwater Management Officer (SMO) for the purpose of this article, shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may also be assigned by the Mayor to other Village employees.

Chapter 256

STREETS AND SIDEWALKS

§256-10A

- B. The Board may impose the restrictions authorized by this section at an intersection based upon findings that the restrictions are necessary for the public safety and welfare. The Board shall receive the recommendations of the Chief of Police and the *Village Administrator* ~~Superintendent of Public Works~~ and a code enforcement official prior to imposing restrictions authorized by this section.

§256-13. General

- B. Permits for curb cuts for driveways will not be considered on the east and west sides of Reservoir Avenue between Franklin Street and Route 25A or at any other location in the Village of Northport when, in the opinion of the *Village Administrator* ~~Superintendent of Public Works~~, a traffic safety hazard might result therefrom and a suitable alternate location for a driveway cut on the property is available.

§256-14. Application and permit.

- C. Public utility companies and public authorities may, at their own option, file with the Village Clerk a surety bond in an amount determined by the *Village Administrator* ~~Superintendent of Public Works~~ to cover all applications under this section for work to be done within the term of the bond. If such blanket bond be filed, the Village Clerk may, at his discretion, require additional security by a further bond or cash should any individual application involve construction to such an extent that the blanket bond shall, in his opinion, furnish inadequate security to the village.
- D. Insurance.
- (1) All applications shall be accompanied by a public liability policy in an amount commensurate with the size, degree of difficulty of construction and risks inherent in the construction of the proposed building or alteration, as determined by the *Village Administrator* ~~Superintendent of Public Works~~, but at a minimum, the insurance requirements for independent contractors obtaining a permit to work within the

village shall be as set forth below. The village shall be named as additional insured on this policy. The applicant shall also keep such insurance in force at all times during the terms of the permit.

§256-16. Other notices.

Before commencing work under any permit, the permittee shall give 24 hours' advance written notice thereof to the Police and Fire Departments and to the Clerk and *Village Administrator* ~~Superintendent of Public Works~~ of the Village of Northport. Any such notice shall specify the date and hour when such work will be commenced. Inspection of the work will be performed by the *Village Administrator* ~~Superintendent of Public Works~~. Upon completion of such work, similar notice thereof shall be given said Departments, the Clerk and the *Village Administrator* ~~Superintendent of Public Works~~.

§256-17. Guarding of excavations and protection of property.

Any permittee making an excavation or doing any construction covered by this article shall erect suitable barriers or guards for the protection of persons using the streets or sidewalks, shall set up and maintain, during the hours of darkness, sufficient lights or flares to properly illuminate the area, shall take all necessary precautions for the protection of all property which may be endangered by such excavation or construction, or other work incident thereto, and shall comply with all directions given by the *Village Administrator* ~~Superintendent of Public Works~~ in respect to such barriers, lights, flares and protective measures. In connection with the operations under such permit, no matter shall be deposited or piled up within 15 feet of any fire hydrant, fire-fighting facility or village drainage facility.

§256-21. Inspection of work.

Permittees shall notify the *Village Administrator* ~~Superintendent of Public Works~~ of the village at least two days before commencement of work and shall be subject to his inspection during the course of the work.

Chapter 282

VEHICLES AND TRAFFIC

§282-80. Municipal Parking Lot 8.

- B. In addition to all applicable New York State Vehicle and Traffic Laws, the following traffic and parking regulations are hereby established for this municipal parking lot:

(4) The parking spaces behind Village Hall shall be reserved for Northport Village employees, with the *four* ~~three~~ parking spaces on the northeasterly side of the parking lot reserved for the Village Clerk, *Village Treasurer*, Code Compliance Director and *Village Administrator* ~~Superintendent of Public Works~~.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

On the motion of Trustee Kehoe and seconded by Trustee McMullen the Public hearing was open.

Comments from the Public: Dave Ambro asked if the position had been filled. The Mayor replied yes Eugene Guido was hired to replace Joe Correia.

Comments from the Board: none.

On the motion of Trustee McMullen and seconded by Trustee Tobin the Public hearing was closed.

PUBLIC PARTICIPATION: no one from the public spoke this evening.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2010/2011 General Fund bills in the amount of \$ 34,387.74

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2010/2011 Capital Fund bills in the amount of \$ 9,100.00

TREASURER REPORT: no report.

COMMISSIONER REPORTS:

CHIEF OF POLICE REPORT:

SUPERINTENDENT REPORT: no report.

NEW BUSINESS: November Meeting (Nov. 2nd is Election day)

OLD BUSINESS: no old business was discussed this evening.

REQUESTS: no requests.

CORRESPONDENCE: no correspondence.

RESOLUTIONS:

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2010 – 145 ~ APPROVAL OF THE SEPTEMBER 21, 2010 MINUTES

WHEREAS: Copies of the minutes of the September 21, 2010, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2010 – 146 LOCAL LAW # 8

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 5th day of October, 2010, to consider the following proposed local law:

**LOCAL LAW # 8 OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTERS 9, 42, 106, 219, 252, 256 & 282
OF THE CODE OF THE VILLAGE OF NORTHPORT**

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2010 – 147 ~ 30 WARD AVE

BE IT RESOLVED: That the 30 Ward Avenue retaining wall portion that is in the Village right of way may remain subject to the following condition:

1. Submission of an acceptable fully executed hold harmless agreement.
2. Easement, to the Village, for the paved area* on the northwest corner.
3. Posting of additional escrow in the amount of \$110.00

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be on Tuesday October 19th, 2010 at 6:00 PM. Northport Village Hall 224 Main Street Northport, NY 11768

Respectfully submitted,

Donna M. Koch, Village Clerk